

AGENDA
CONTRA COSTA COUNTY
JUVENILE JUSTICE COORDINATING COUNCIL
DATA & SERVICES SUBCOMMITTEE

June 21, 2021
3:00 p.m. to 5:00 p.m.

Zoom Meeting Details on Page 2

1. Welcome, Introductions and Announcements
 - a. Introductions & RDA Team and Roles
2. Public Comment (speakers may be limited to two minutes)
3. Consider Approving the Record of Action from the May 17, 2021 Meeting
4. Program Outcome Reporting
 - RDA Updates
 - a. Overview of Performance-Based Contracting (Denise Zabkiewicz)
 - i. *1) Performance-Based Contracting Presentation*
 - ii. *2) How to Use Evidence in the Contracting Process*
 - iii. *3) Results-Driven Contracting Overview*
5. Quantitative Data Collection Updates
 - RDA Updates
 - a. Alignment with Other Efforts (e.g., ORJ, RJOB)
6. Report-Out from RJOB Data Committee (Denise Zabkiewicz)
 - i. *4) The Sentencing Project – Reducing Disparities in the CJ System*
 - ii. *5) Racial Disparity Matrix by Decision Points 2019 Data*
7. Qualitative Data Collection
 - a. Report-Out from Turning the Curve in Criminal Justice Symposium
 - i. *6) Contra Costa Co. TAY Symposium Jamboard*
 - b. Other Qualitative Data Collection

The Juvenile Justice Coordinating Council (JJCC) will provide reasonable accommodations for persons with disabilities planning to attend JJCC meetings. Contact the staff person listed below at least 48 hours before the meeting. Any disclosable public records related to an item on a regular meeting agenda and distributed by staff to a majority of the members of the JJCC less than 96 hours prior to that meeting are available for public inspection at 50 Douglas Drive, Suite 201, Martinez, CA during normal business hours, 8:00 a.m.-12:00 p.m. and 1:00-5:00 p.m. Materials are also available on line on the Probation Department's website. For additional information, contact: Deborah Caldwell, (925) 313-4188 Deborah.Caldwell@prob.cccounty.us

Deborah Caldwell is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/97840725241?pwd=S2xiUEV2TmVEMjhVKzE3ZDlzcUIJQT09>

Meeting ID: 978 4072 5241

Passcode: 407728

One tap mobile

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RECORD OF ACTION

**DATA AND SERVICES SUBCOMMITTEE of the
Juvenile Justice Coordinating Council (JJCC)**

May 17, 2021

3:00 p.m. to 5:00 p.m.

ZOOM Virtual Meeting

Present:

Jonathan Laba, Public Defender

Genevieve Maloney, Probation

Ri Scott, Chair of JJC

Andrea Tavenier, District Attorney

Rebecca Vichiquis, Office of Education

Absent:

Brian Vanderlind, Sheriff

Tamisha Walker, Community Representative

Julius Van Hook, CBO

Meeting called to order by Ri Scott, Chair of JJC, at 3:10 p.m.

Item 3 – Approve the Record of Action from the April 19, 2021 Meeting

Approve as presented

Rebecca Vichiquis (Office of Education), Jonathan Laba (Public Defender)

AYE: All Present

Meeting adjourned at 5:01 p.m.

Performance Based Contracting

JJCC Data Subcommittee

June 21, 2021

Denise Zabkiewicz

CSAC Strategic Framework

- Funded by the Arnold Foundation
- Strategic Framework:
 - Supports counties in their efforts to move toward data driven and evidence-based practice
 - Conducted a series of seminars
 - Offers tools that provide a broad, system wide view of how to use evidence in the contracting process
 1. RFP Process: Use data to inform contract planning and development
 - Operationalize and embed evidence into program design and RFP process
 - Connect the evidence to contract development and data-based outcomes
 2. Implementation Process
 - Contracted data outcomes used for monitoring of program fidelity and accountability
 - Can further apply concepts of cost efficiency to program design and assessment

Challenges to Traditional Contracting Practices

- Focus on compliance rather than performance
- Limited collaboration and capacity building
- Lack collection of use of meaningful data to improve outcomes

Why Conduct Performance Based Contracting?

- Allows for outcome metrics to be standardized and thus performance compared across similar programs
- Improves innovation and increases competition
- Improves transparency about the goals and ultimate results of a procurement
 - A useful feedback loop that fosters support for results driven contracting and reinforces trust in the County's capacity to govern effectively
- Educating the community and raising their expectations of what well-executed contracting can accomplish is critical for the sustainability and broader application of results-driving contracting strategies in the long run
- Signals to contractors that their focus should be on inputs and impacts rather than compliance
- Many others...

How to Use Evidence in the RFP Process

The RFP Process will:

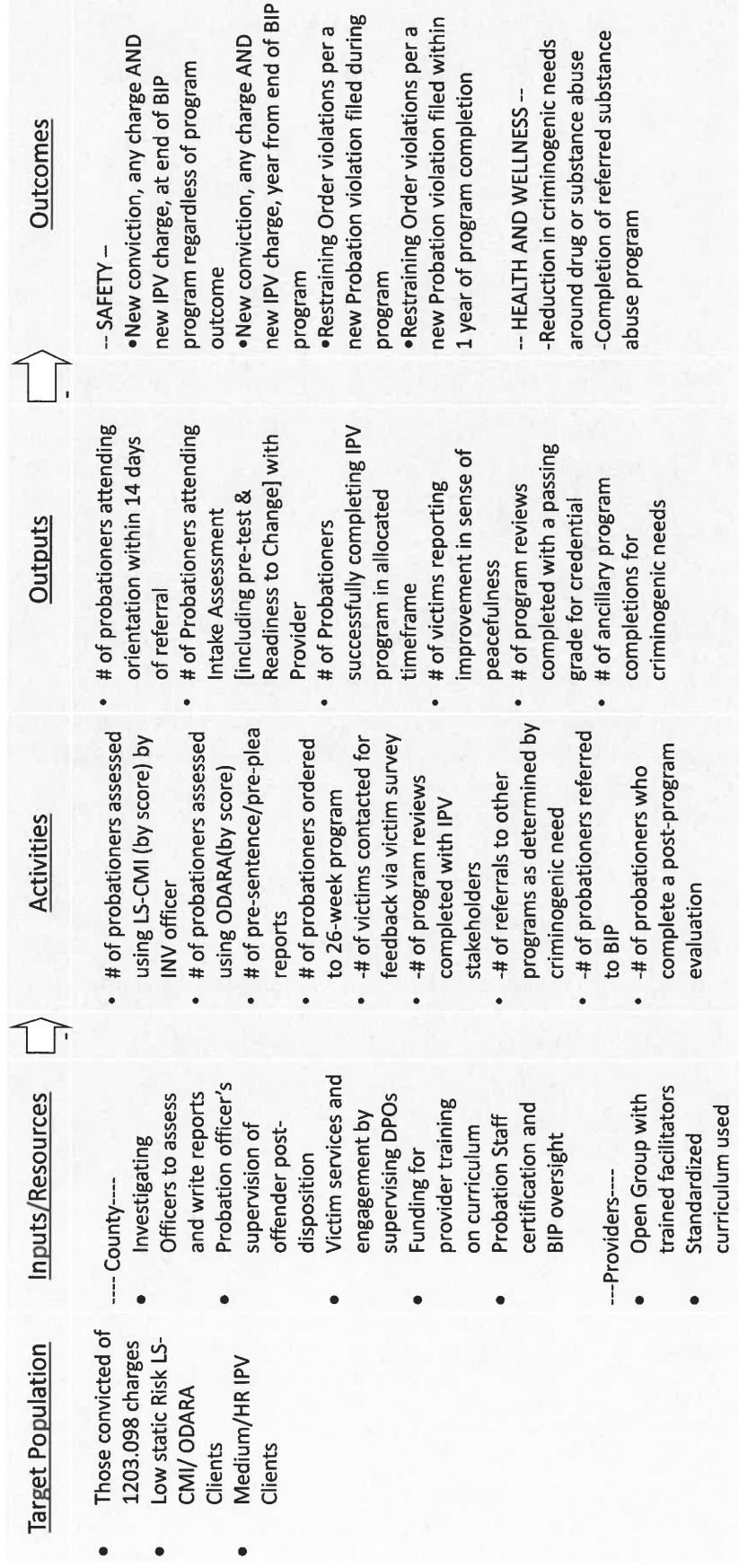
1. Operationalize and embed evidence into program design and RFP criteria
 - Draw on data and research to identify and document the programmatic needs of the population
 - Define specific criteria for what an “evidence-based” program/practice (EBP) is
 - A nationally recognized clearinghouse where providers can locate information on a wide range of programs that meet a given standard will be referenced in the RFP
 - Formal definitions of evidence will be embedded in the RFP as well as in contracts to help clarify expectations
 - Mechanisms will be built into the RFP that will allow for monitoring of program fidelity and outcomes
 - Well-designed programs that are implemented without fidelity to the EBP model are unlikely to achieve the outcomes expected.

How to Use Evidence in the RFP Process

2. Connect the evidence to contract development and data-based outcomes:
 - Respondents will be expected to:
 - Identify an evidence-based program that addresses the needs of the population AND has been shown to be effective in achieving the desired outcomes
 - Any variations in an EBP must be disclosed and rationalized within the RFP response
 - Develop a logic model that clearly shows the process through which the program is expected to achieve its intended objectives
 - Highlights the data elements that will need to be collected by the provider/contractor
 - Used to assess general outcomes as well as fidelity

Example Logic Model: County Intimate Partner Violence (IPV) Pilot Project

Situation: Reduce recidivism among persons convicted of IPV charges. By using risk-based decision making to determine the dosage of DV treatment, county is developing more cost-effective solutions that should increase client success, reduce IPV and show difference in low-risk client outcomes compared to previous dosage, as well as to higher risk IPV clients. This approach is designed to be risk-need responsive in that those deemed low risk receive lower dosage BIP as well as lower dosage supervision.



How to Use Evidence in the Implementation Process

The Implementation Process

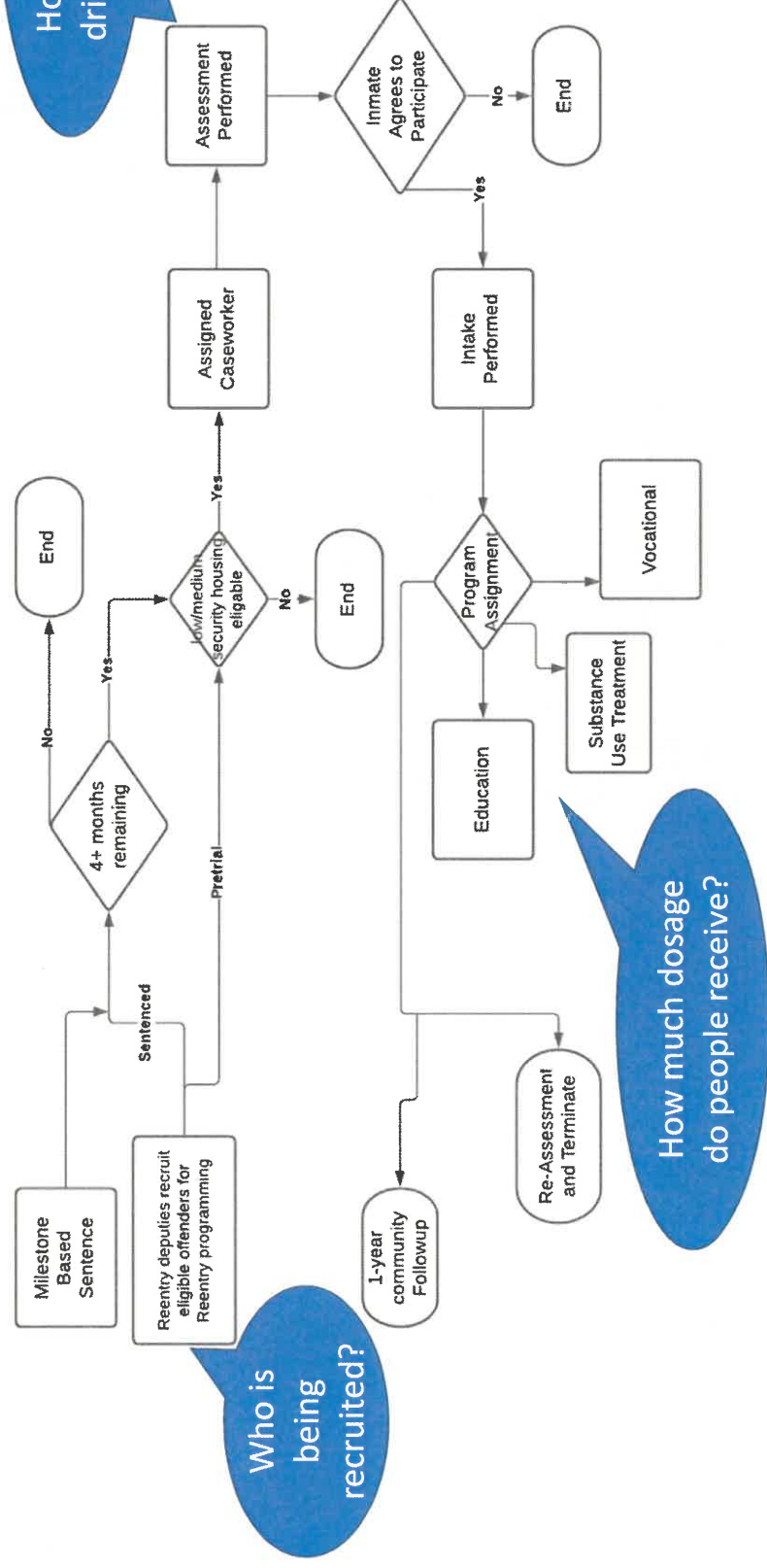
When programs operate in systems, program fidelity can be a challenge

1. Contracted data outcomes allow for monitoring of program fidelity and accountability
 - Process maps are a key element in the transition from program design to implementation
 - Describe the flow of the work and provide definitions surrounding ownership, responsibilities, process metrics and time standards or statutory requirements

Process Maps

- Support program implementation by providing:
 - A clear sense of program design, theory of change, and operations
 - Improved opportunities for dialogue and collaborative program creation
 - Development of referral pathways and information exchanges
- Provide definitions for:
 - Ownership
 - Responsibilities
 - Process metrics
 - Time standards or statutory requirement
- Allow the County to:
 - Brainstorm ideas for process improvement
 - Improve communication
 - Identify bottlenecks, repetition and delays

Example Process Map, Jail Reentry Program



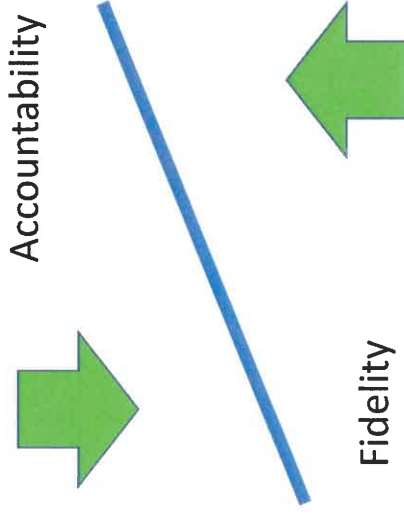
How to Ensure Contracts and Process Follow Design

Contracting is a partnership with providers:

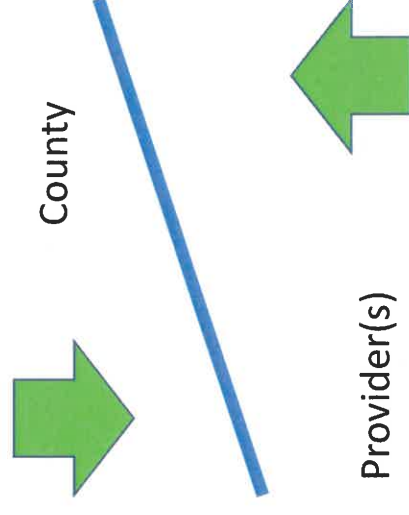
- What are we trying to achieve for our clients?
- Community based organizations are part of an ecosystem
- The formal system needs to have clear operational ties to providers
- Contracting can bring new services and connections not possible through the formal system

The Balancing Act

Accountability vs. Fidelity



County vs. Providers



Contract Accountability vs. Fidelity to the Program

There is often a tension between fidelity to the EBP and contract accountability

- Dimensions of contract accountability:

- Program staff:
 - Training, certifications, vacancies
- Orientation, assessment, planning:
 - Initial and secondary assessments, programmatic or treatment case plans
- Treatment:
 - Approach
 - Curriculum
 - Dosage
 - Caseload sizes
 - Progress notes and completed cases
- Discharge planning:
 - Exit interviews and assessments
 - Placement into downstream programs, post-exit supports and communication
- Data tracking/reporting:
 - Often duplicative of above;
 - Ensures contract compliance on data submissions, data tracking, and data reporting (i.e, contractors should get a score for how well they report the information that the program is asking for).

Contract Accountability vs. Fidelity to the Program

Fidelity is defined as the extent to which an intervention or program is delivered consist with program theory and design, that is, as it was intended.

- Dimensions of fidelity to the EBP:
 - Exposure or dose:
 - Amount of program content received (i.e., frequency and duration of intervention as prescribed)
 - Quality of delivery/dose:
 - The manner in which a staff member delivers a program; whether the program delivery approaches a theoretical ideal
 - Participant responsiveness:
 - Measures how participants respond to, or are engaged by, an intervention (i.e., participant “buy in”)
 - Program differentiation:
 - Identifying or unique features of components or programs that differentiate it
 - Reach and scope:
 - The rate of involvement and representativeness of participants, as well as program retention, completion; rate of participants needs met.

Both are Important!

Accountability:

- Measuring thoughtful accountability helps an organization ensure that contractors are following the requirements in the contract
- Creates a top-down approach to ensuring that the most relevant and important information is requested from providers and connects how it will be used by providers
- Evaluating contract compliance using quantifiable scores will allow an organization to identify areas that need improvement, observe trends over time, and put into effect corrective action plans to resolve those problems more efficiently

Fidelity:

- Measuring fidelity helps an organization link the outcomes of a program or treatment to the intervention
- Can help determine the true effect of the program to address if an outcome of an intervention is attributable to the intervention itself
- Once fidelity is measured, programs can be adapted to improve validity and reliability
- Program outcomes can then be attributed to the program being delivered as intended

Contract Planning and Development

Informed by data!

- Use needs assessments and other existing data sources to identify service priorities
- Use program inventory data to identify service needs and areas of excess capacity
- Use research clearinghouses to find effective programming
- Use benefit-cost analyses to understand program return on investment

Specify evidence requirements in RFPs

- Provide key information on requested evidence-based services
- Define evidence criteria and specify requirements through a logic model
- Clarify how programs will be assessed and monitored
- Specify implementation and outcome reporting requirements

Contract Planning and Development

- Engage stakeholders to build long term capacity
 - Builds community capacity and knowledge
 - Allows for further development of collaborations
- Engagement includes:
 1. Educate providers on evidence-based programs
 2. Solicit provider input on RFP development
 3. Provide training on creating a competitive proposal
 4. Provide technical assistance on identifying and selecting EBPs
 5. Identify training needs for delivering EBPs

Summary of Inputs to Performance Measures



Additional Considerations

- Active contract management
 - Program officer regularly reviews key outcome and process data provided by the contractor to monitor progress, discuss opportunities to improve systems, detect performance issues in real-time and swiftly troubleshoot and implement course corrections
- Incorporate incentives for better, more cost-effective performance
 - A portion of payment to the contractor is conditioned on outcomes
 - Connecting past performance to future contracting decisions helps establish a mechanism for allocating limited resources to the most effective contractors over time.
- Contract services
 - Administrative structures that include the contract officer, program officer, and the contractor can enable better management of ongoing contracts and support performance incentives.

Program
AssessmentBudget
DevelopmentImplementation
OversightOutcome
MonitoringTargeted
Evaluation

How to Use Evidence in the Contracting Process

Data and research can increase the efficiency and effectiveness of government programs

This brief provides a closer look at using evidence in the contracting process, one strategy identified in "A Guide to Evidence-Based Budget Development," a 2016 brief.

Overview

State and local governments frequently rely on community-based organizations to serve individuals and families. In 2012, according to the Urban Institute, governments spent approximately \$80 billion through contracts or grants on human services programs that were delivered by nonprofit organizations.¹ Given the critical role these organizations play in assisting vulnerable populations, policymakers should take steps to ensure that whenever possible, funds are invested in programs and services that are proved to work. One promising strategy government leaders can use is to incorporate evidence requirements into their contracting and grant processes.

Increasingly, policymakers recognize that they can improve outcomes, strengthen accountability, and reduce costs by using rigorous evidence to inform choices about which services should be supported with public funds. This issue brief profiles four jurisdictions that are using evidence-based contracting to significantly increase the number of people reached by proven, effective programs: Georgia (child welfare), Florida (juvenile justice), New York (substance abuse), and Santa Cruz County, California (criminal justice).

In developing a system that supports evidence-based contracting, policymakers will want to:

- **Use data and research to identify needs and incorporate them into the requirements.** In developing the grant and contract language, staff should use data from community needs assessments² or similar processes to identify the evidence-based programs that address those needs and have been shown to be effective in achieving the desired outcomes in a given population.
- **Work closely with provider organizations throughout the process.** Agencies should work closely with community-based providers, county governments, or local health clinics to build support for and

understanding of evidence-based principles before issuing grant announcements or embedding requirements in contracts.

- **Define criteria for “evidence-based” and be specific in grant announcements.** Within state and local governments, there is often significant uncertainty as to what constitutes an evidence-based program. Creating formal definitions of evidence and embedding these definitions in contracts will help clarify expectations of provider organizations and government officials. When feasible, contracts should specify sources, such as nationally recognized research clearinghouses, where providers can find information on a wide range of programs that meet a given standard.
- **Build mechanisms into the grants to monitor implementation fidelity and outcomes.** A large body of research shows that well-designed programs that are implemented without fidelity to their treatment model are unlikely to achieve the outcomes policymakers and taxpayers expect. As part of their contract requirements, providers should be compelled to report on interim outcomes that are correlated with effective program delivery, in addition to long-term outcomes. Government agencies should direct resources to carefully monitor these efforts.

Case studies

Georgia

- **Agency:** Office of Prevention and Family Support (OPFS), Division of Family and Children Services.
- **Policy area:** child welfare.
- **Number of providers:** 100.
- **Total funding for grants/contracts:** approximately \$9.1 million in calendar year 2014.
- **Funding for evidence-based programs:** 100 percent of direct service prevention program providers within OPFS are required to offer evidence-based programming.

The Georgia OPFS requires that all contracted prevention services—including family preservation, child abuse prevention, and family support and coaching (home visiting)—utilize evidence-based approaches that meet specified criteria. OPFS works with community-based organizations to promote the safety and well-being of families at risk of entering the child welfare system. Before the office was created in the late 1990s, the state Children’s Trust Fund promoted evidence-based programs through home visiting grants and other prevention programs. In 2014, Governor Nathan Deal (R) created OPFS to administer grants initially operated through the trust fund, as well as other prevention funding sources, and provide training and technical assistance to support community-based organizations delivering child maltreatment prevention activities.

The strategy—to use grant-making as a mechanism for increasing the use of effective evidence-based programs and thereby improving outcomes for Georgia’s children and families—has changed over time. Now the office identifies clear criteria for the level of evidence that programs must meet to be considered for funding, but it also gives providers more flexibility to choose among programs that meet those criteria.

Initially, the office issued requests for proposals that required grantees to implement specified evidence-based program models (selected from several evidence-based registries). Although this method was successful in encouraging community-based organizations to begin implementing such programs, the approach offered few program alternatives and therefore limited providers’ ability to deliver services that would meet the needs of diverse populations.

To address this limitation, the office now distributes funding, including state and federal grants, to provide a wider menu of evidence-based options. Communities can choose the best program to address specific needs as long as the intervention meets the evidence standards. For example, the Division of Family and Children Services recently released, under OPFS, a statement of need for the Promoting Safe and Stable Families program that included eight core evidence-based models from which providers could choose, as well as 33 other evidence-based practices that could be selected based upon specific community needs³ (Box 1). Another grant opportunity for family support and coaching services identified five models that meet the minimum evidence requirement, based on criteria developed by the California Child Welfare Clearinghouse or other evidence-based registries. “Slowly but surely [through our contracting process] we are implementing evidence-based programs in all categories of primary and secondary prevention in the state,” said Carole Steele, OPFS director.⁴

State leaders are also taking steps to ensure that these programs achieve expected outcomes by building requirements into contracts for outcome reporting, training, and monitoring program implementation. OPFS requires service provider organizations to work with program developers (the organizations or individuals who generate and license a particular model program) to access training and other supports as part of their contract. “Requiring this close communication has helped build capacity and ensure success for these provider agencies,” Steele said. The state also has some capacity to support the training and implementation needs of providers if program developers are not available. For example, for two evidence-based models—Parents as Teachers and Healthy Families America—the state provides its own training and technical assistance through a contract with the Center for Family Research at the University of Georgia. This ensures that providers are equipped with the training necessary to implement the program as originally intended and achieve expected outcomes.



Slowly but surely [through our contracting process] we are implementing evidence-based programs in all categories of primary and secondary prevention in the state.”

Carole Steele, director, Georgia Office of Prevention and Family Support

Moving forward, OPFS plans to continue to embed evidence requirements in its contracting processes, with the possibility of expansion throughout the state’s Division of Family and Children Services. However, a number of challenges stand in the way of expansion, including the limited number of providers with sufficient capacity to implement and monitor evidence-based programs. “We don’t have a huge pool of service providers in Georgia that are able to provide evidence-based services. We have to build that capacity across the state and at the same time try to help children remain safely in their homes,” said Steele.

Another key challenge involves educating providers on the value of implementing programs that have been rigorously tested and found effective, particularly when this involves replacing a program that may be underperforming. OPFS staff noted that providers often have a limited amount of funding allocated for prevention services and may be reluctant to choose an evidence-based model that may require additional costs, such as training and data reporting. OPFS meets regularly with providers throughout the state, including holding bidders conferences, where it can share research findings that clearly show how children and families it serves can benefit from these proven effective programs.

Box 1: Georgia Has Established Criteria in Contracts for Funding Evidence-Based Programs

The following is excerpted from the Promoting Safe and Stable Families Program: FFY2017 Statement of Need (SoN) by the Georgia Division of Family and Children Services:

The CEBC [California Evidence-Based Clearinghouse] is a key tool for identifying, selecting, and implementing evidence-based child welfare practices that will improve child safety, increase permanency, increase family and community stability, and promote child and family well-being. ... [Promoting Safe and Stable Families] has chosen to use the CEBC scientific rating scale to set its standard for eligible evidence-based strategies, practices or program models required for all FFY2017 proposals. In addition to demonstrating its effectiveness in meeting the objectives for the selected service model, proposed evidence-based strategies, practices or program models must have a medium to high relevance to child welfare, and have been rated:

- 1—Well-Supported by Research Evidence,
- 2—Supported by Research Evidence, or
- 3—Promising Research Evidence by the CEBC.

Florida

- **Agency:** Department of Juvenile Justice.
- **Policy area:** juvenile justice.
- **Number of providers:** 142.
- **Total funding for grants/contracts:** approximately \$257 million in state fiscal year 2015-16.
- **Funding for evidence-based programs (EBP):** 100 percent of delinquency intervention program providers must operate at least one EBP.

The Florida Department of Juvenile Justice (DJJ) requires that all contracted providers of delinquency prevention programs (including some for-profit organizations) operate at least one evidence-based model, and the department regularly monitors providers to ensure implementation fidelity. To provide effective oversight of these providers, DJJ has developed a robust system for monitoring the implementation of evidence-based programs over the past two decades. The Office of Program Accountability monitors contracted providers using real-time data uploaded into its Juvenile Justice Information System, which shows whether a program is being implemented with fidelity to its model.⁵ DJJ also provides technical assistance for providers to support training on evidence-based program models.

The department has gradually increased the evidence-based intervention requirements for its contracted providers. Initially it created incentives for providers to offer interventions shown through rigorous research to be effective, giving preference or higher ratings for proposals that included these efforts. Now, all contracts require providers to deliver at least one evidence-based program, although many organizations offer more. To

help providers identify which programs to implement, the department created three tiers of evidence—evidence-based (the highest standard), promising, and practices with demonstrated effectiveness—along with an updated list of delinquency interventions that meet each standard.

Department staff meet regularly with providers to discuss the contracting requirements, review data used to measure their performance, and gather feedback on ways to improve the process. “We really see our provider organizations as partners,” said Amy Johnson, director of the Office of Program Accountability. “We are a heavily privatized system, and we rely on them to deliver effective services to the population we serve.”⁶

Box 2: Florida Has Created an Internal Resource for Contracted Providers to Identify Appropriate Evidence-Based Interventions

The Florida Department of Juvenile Justice created *A Sourcebook of Delinquency Interventions* in 2008 to give providers in the state guidance on which programs aimed at reducing recidivism had been rigorously tested.* The department updated the report in 2011 and 2015, adding several programs and reclassifying others based on updated research on their effectiveness.

The 2015 guide includes 38 programs that meet the evidence criteria. In addition to ranking programs based on the extent to which they had been rigorously evaluated, each intervention lists supplemental information including the target population served, treatment setting, training and certification requirements, and fidelity tools available to monitor the program.

* Florida Department of Juvenile Justice, *A Sourcebook of Delinquency Interventions* (2015), <http://www.djj.state.fl.us/docs/quality-improvement/sourcebook2015.pdf?sfvrsn=4>.

“ We have started to monitor more closely the specific interventions being delivered to youth, along with the quality of implementation. We were surprised to find that some of the interventions being implemented were not really based on an evidence-based model.”

Amy Johnson, director, Florida Office of Program Accountability

Over time, department leaders have learned the value of having a contract monitoring system that focuses not only on compliance, but also on ensuring that providers are implementing programs with fidelity to their models. The department uses the Standardized Program Evaluation Protocol to determine how closely programs being implemented in the field align with the features of the most effective programs. The office uses the assessment as both an accountability tool and a way to direct resources to help providers.

Other contract monitoring functions have been automated to improve oversight of service delivery. For example, every youth who participates in a delinquency intervention is now followed in the Juvenile Justice Information System, with data tracking the intensity and duration of those services and whether the youth completed the

program, all of which is required as part of the contract. "One significant shift from prior years is that we have started to monitor more closely the specific interventions being delivered to youth, along with the quality of implementation," said Johnson. "We were surprised to find that some of the interventions being implemented were not really based on an evidence-based model."

Over time, providers have improved the extent to which they are implementing evidence-based programs with fidelity, based on their Standardized Program Evaluation Protocol scores. While the impact of investing in evidence-based programs may take years to accurately determine, Johnson noted that this was a strong indicator that contracted programs are likely to achieve the outcomes that research has predicted.

New York

- **Agency:** Office of Alcoholism and Substance Abuse Services.
- **Policy area:** substance abuse prevention.
- **Number of providers (prevention):** 165.
- **Total funding for grants/contracts:** approximately \$71 million for state fiscal year 2016-17.
- **Funding for evidence-based programs:** increasing to 70 percent of state funding to contracted providers by 2018.

The New York State Office of Alcoholism and Substance Abuse Services (OASAS) established provider guidelines that require contracted organizations to dedicate an increasing percentage of state funding toward evidence-based programs and strategies. OASAS provides a continuum of services in prevention, treatment, and recovery settings. Many of these services are contracted out to nonprofit organizations, including community health clinics, schools, and faith-based organizations. Since 1992, OASAS has issued biennial guidelines to communicate regulations, policies, and new research on substance abuse prevention to all contracted service providers as well as state and local government partners. The guidelines form the main part of OASAS' contract requirements and are a critical component of the agency's contracting, monitoring, and review processes for prevention services.

To increase the use of effective practices across the state, OASAS has set targets for the percentage of agency prevention funding dedicated to evidence-based programs and has embedded these requirements in its provider guidelines and contracts. In 2007, OASAS surveyed providers to establish a baseline of the percentage of funds going to evidence-based programs. Two years later, the agency updated its guidelines, which included a new requirement that provider organizations allocate an increasing percentage of their OASAS funding to the delivery of evidence-based programs and strategies. The agency has set a long-term target in which 70 percent of OASAS funds would be spent on evidence-based programs by 2018, allowing providers time to build capacity to reach the standard.

As part of their contracts, providers can choose from a list of pre-selected evidence-based programs. OASAS maintains a Registry of Evidence-Based Programs and Strategies, which includes approved programs that have been rigorously evaluated and found effective. Providers can use the National Registry of Evidence-Based Programs and Practices that is operated by the federal Substance Abuse and Mental Health Services Administration. Providers are also encouraged to submit proposals to elect promising practices for inclusion on the OASAS registry. A volunteer panel of prevention research reviewers meets biennially to review submissions (along with new and existing national or international research) to determine whether they meet the registry standards for inclusion.



We don't expect any of our providers to have 100 percent evidence-based programming. Every community is unique, and we provide prevention services to approximately 312,000 youths each year. With our provider guidelines, we wanted to provide direction and uphold high standards, but we don't want a cookie-cutter approach."

Arlene González-Sánchez, *commissioner, New York Office of Alcoholism and Substance Abuse Services*

To ensure that providers are complying with the key aspects of the guidelines, including delivering evidence-based programs and practices with fidelity to their original design, OASAS monitors their performance through multiple channels. For example, OASAS requires that all providers develop annual service work plans and helps them identify performance targets, which are used as monitoring benchmarks.

One performance standard requires that program participants attend at least 80 percent of evidence-based program sessions; this standard is a proxy for program fidelity, which is critical to evidence-based programs achieving expected outcomes. "We don't expect any of our providers to have 100 percent evidence-based programming," said Arlene González-Sánchez, commissioner of the New York Office of Alcoholism and Substance Abuse Services. "Every community is unique, and we provide prevention services to approximately 312,000 youths each year. With our provider guidelines, we wanted to provide direction and uphold high standards, but we don't want a cookie-cutter approach."⁷

New York's investments in evidence-based programs have also contributed to better outcomes for the children and families they serve. For example, the state has seen a significant decline in tobacco and alcohol use by 12- to 17-year-olds. According to the Centers for Disease Control and Prevention, the proportion of youths who smoke cigarettes decreased by approximately 40 percent from 2009-15, while the share of youths who consume alcohol decreased by almost 30 percent.⁸

Santa Cruz County, California

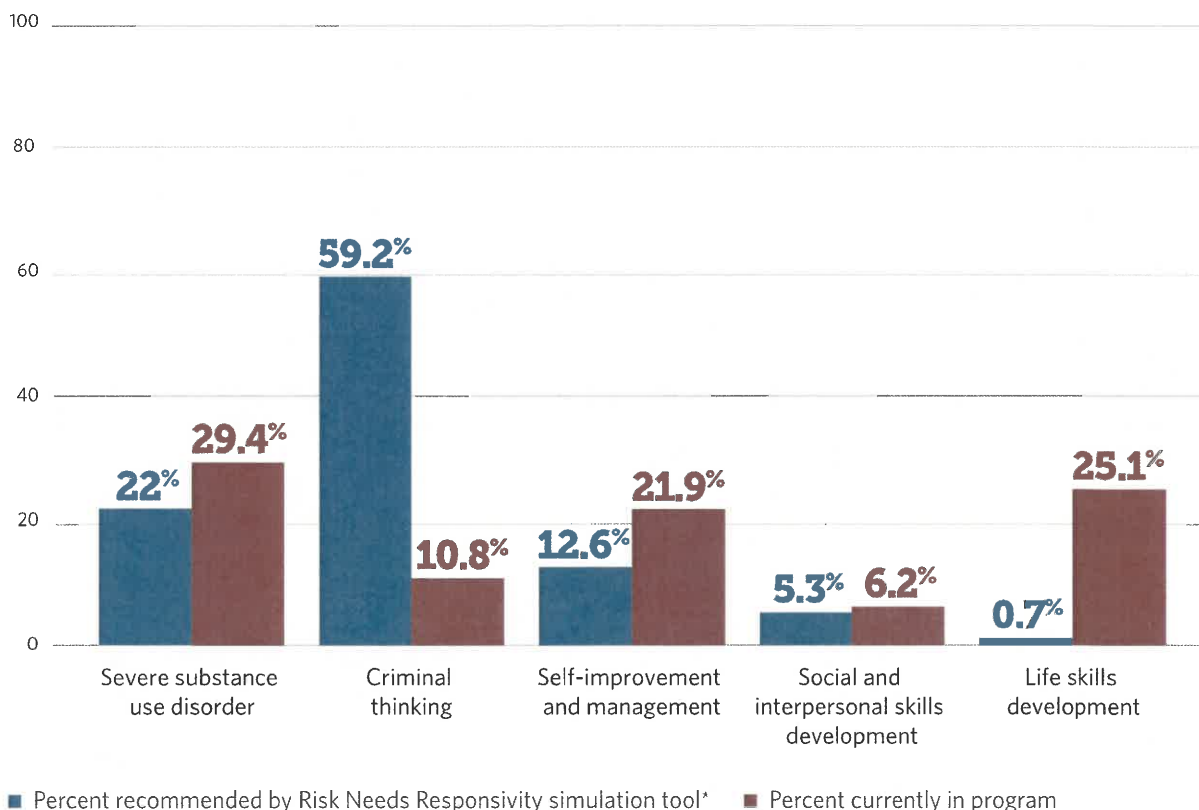
- **Agency:** Probation Department.
- **Policy area:** criminal justice.
- **Number of providers:** 14.
- **Total funding for grants/contracts:** approximately \$2.4 million in state fiscal year 2015-16.
- **Funding for evidence-based programs:** 100 percent of providers receiving grant funding must offer evidence-based programming.

The Santa Cruz County, California, Department of Corrections recently rebid its contracts for community-based services for incarcerated adults to prioritize evidence-based programs. The Probation Department supports the county's adult and juvenile courts by providing a continuum of services including pretrial assessments, probation, post-trial alternative custody, and juvenile detention. In December 2015, the Probation Department issued a request for letters of interest (LOI) from community organizations to provide evidence-based intervention and re-entry services related to implementation of the state's landmark criminal justice reform effort, or Public Safety Realignment (A.B. 109). This reform transferred responsibility for more than 60,000 offenders to California's 58 counties, thereby requiring county governments to develop facilities, policies, and programs to serve this

population. In July 2016, the Santa Cruz County Probation Department began to select grantees and award contracts.

The additional funding made available through A.B. 109 enables the county to set high expectations for the types of services it will fund. In particular, the LOI guidelines note that the proposals “must demonstrate that programs and services to be implemented have been proven effective for the target population by multiple national research studies, and that they will be implemented to fidelity.” The guidance suggests that providers consult the Results First Clearinghouse database,⁹ which identifies hundreds of programs that have been rigorously evaluated by one or more of eight national clearinghouses. The letter also requires that service providers work with the Probation Department to develop a common set of outcome measures and report that information quarterly, along with submitting data for program evaluations and monitoring implementation to ensure fidelity.

Figure 1
Santa Cruz County Uses Needs Assessment Data to Identify Key Service Gaps, Inform Grant Funding



Note: * The county worked with the Center for Advancing Correctional Excellence at George Mason University and used their Risk Needs Responsivity Simulation Tool to identify key service gaps and areas where funding could be redirected toward more effective programming.

Source: Santa Cruz, County, California, “AB109 LOI/Rfq” (December 2015), <http://www.co.santa-cruz.ca.us/Portals/0/County/prb/pdfs/2.LOI%20RFQ%20AB109%20Services%202016.pdf>

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In developing the request for LOI, county staff used research and an analysis of local data to identify priority service areas to address the needs of the local A.B. 109 population. The county worked with the Center for Advancing Correctional Excellence at George Mason University to identify key service gaps and areas where funding could be redirected toward more effective programming. For example, the analysis found that the county lacked sufficient services, such as cognitive behavioral therapy, to target criminal thinking and behaviors, while too many organizations were providing life skills development such as career counseling. The county is using prior data on service utilization and offender characteristics to determine funding levels for each of eight service types. (See Figure 1.)

"We're trying to get the most public safety gains possible from limited resources," said Andrew Davis, senior departmental administrative analyst for the Probation Department. "We used to create programs based on best guesses and whatever we could find funding for. Now we're in a position to build a network of services based on research."¹⁰

Conclusion

The examples highlighted here demonstrate that governments can use contracting and grant-making processes as tools to increase the use of evidence-based programs in a wide range of policy areas. Over time, each jurisdiction has learned important lessons about the contracting process, including the need to educate and build support among provider organizations to use programs with demonstrated effectiveness. Administrators have also gained insights into the value of monitoring program implementation, particularly for interventions that require fidelity to a research-based model to be effective, and have built requirements and supports into their contracts to address this need. Finally, each government has made progress in balancing the need to deliver programs backed by strong research alongside the need to give providers flexibility in addressing the specific risk factors prevalent in their communities.

Endnotes

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The Pew-MacArthur Results First Initiative, a project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with states to implement an innovative benefit-cost analysis approach that helps them invest in policies and programs that are proved to work.



Results-Driven Contracting: An Overview

I. Background

Many of the most important functions of state and local governments – from building and maintaining roads to housing the homeless – involve contracting for goods and services supplied by the private sector. Increasing the effectiveness of procurements is therefore an essential component of improving governments' overall performance in creating public value.

Unfortunately, governments often treat procurement as a back office administrative function, rather than as a core part of their strategy for delivering better performance. Governments adopt inappropriate procurement strategies and contract types that are not aligned with their goals. Procurements can be overly prescriptive and regulated, stifling innovation and reducing competition. Contractor performance is rarely tracked in a meaningful manner. Contract management tends to focus on compliance instead of performance improvement, with contractors held accountable for inputs and activities rather than outcomes and impacts (if performance is measured at all). Governments make insufficient use of data on past performance in making future procurement decisions, and tend not to incorporate performance incentives into contracts.

As part of Bloomberg Philanthropies' What Works Cities (WWC) initiative, the Harvard Kennedy School Government Performance Lab (GPL) is conducting research on cities' procurement and contracting practices, and providing technical assistance to midsize cities to implement results-driven contracting strategies for their most important procurements.¹

We define results-driven contracting in government as a continuum of practice that incorporates some or all of the following activities:

- identifying specific goals to be achieved by a key procurement, and aligning procurement vehicles, contract types, and requirements with these goals;
- measuring outcomes, impacts, and/or cost-effectiveness of contracted activities;

- using performance data to actively manage contracts, including by working with contractors to monitor progress and detect and resolve issues in real time;
- incorporating performance incentives, including by selecting the right contract type, making a portion of payment contingent on outcomes as appropriate, and basing future procurement decisions on past performance; and
- identifying a portfolio of key procurements and strategically managing these procurements to continuously improve outcomes.

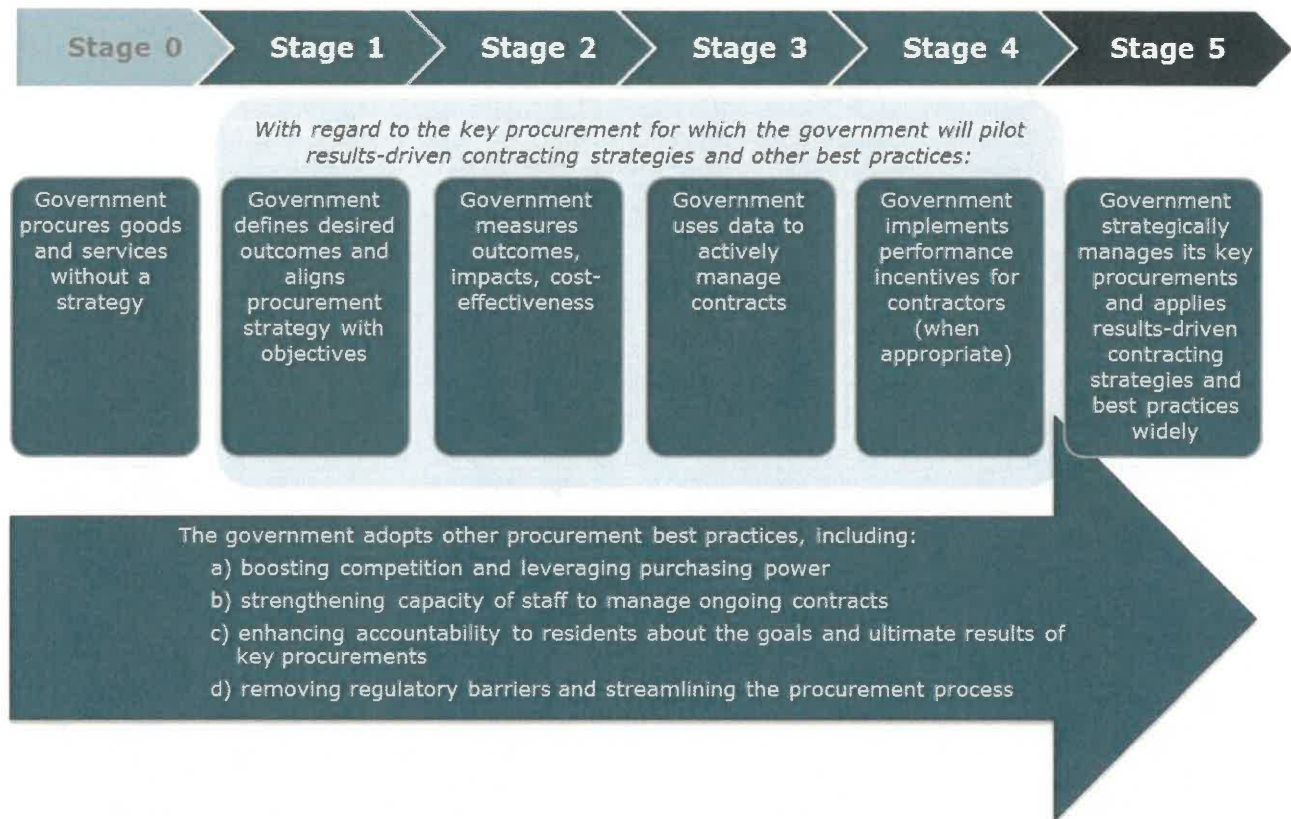
For several years we have been working with state and local governments around the country to develop pay for success contracts using social impact bonds. Our new work on results-driven contracting is motivated by the hypothesis that the key features of pay for success—identifying specific desired outcomes, procuring and contracting for those outcomes, actively monitoring and managing contracts to achieve outcomes, and, in some cases, conditioning a portion of payment on success—can be applied more broadly to key government procurements and have a substantial and lasting impact on performance. Ultimately, these strategies should produce some combination of lower costs and better results for residents.

II. The Results-Driven Contracting Continuum

The GPL uses a six-stage continuum, depicted in Figure 1, to guide its results-driven contracting technical support for state and local governments. This continuum, or maturity model, is used to determine the current stage of practice for a given key procurement, assist the government in advancing its procurement practice to a higher stage for that procurement, and build the government's capacity to manage its procurements more strategically overall. This section describes the stages of the results-driven contracting continuum.

¹ We use the term procurement to mean purchases of any goods or services other than direct personnel services—including through grants, new contracts and contract renewals.

Figure 1. Continuum of Results-Driven Contracting Strategies and Other Procurement Best Practices



Stage 0 represents the **absence of a results-driven contracting strategy** for a given procurement. A government at stage 0 of the results-driven contracting continuum is not properly planning its procurement or conducting sufficient market analysis, which can result in the selection of inappropriate competition strategies and contract types. Procurements tend to have overly prescriptive requirements, which can discourage innovation. The government may simply renew its key contracts year after year without considering changes to its needs and goals or advancements in the marketplace. Deficiencies in the procurement process contribute to mismatches between what the government sets out to achieve with a procurement and what it ends up purchasing.

A **stage 1** government strategically **aligns key procurements with policy goals and clearly identifies desired outcomes**. The decision to contract is made carefully by assessing whether the service or product could or should be produced directly by the government, whether government can maintain sufficient control and oversight if it purchases the good or service, and whether

purchasing is more cost-effective and likely to produce the desired outcomes. If the government decides to contract for the good or service, contract officers and program officers use market research to better understand what good or service is needed and how to most cost-effectively obtain that given the state of the marketplace and vendor cost structures. The government then structures the procurement as informed by this market research in order to achieve the desired outcomes. Specifically, the goals of the procurement and the market research inform the selection of the competition strategy (RFI, RFP, RFQ), contract type (fixed price contract, cost-type contract, incentive contract), and contractor requirements.

Contract review boards or peer reviews for major procurements can provide further expertise to improve the pre-award structuring of the procurement and the post-award management of the contract. Testing products or services for cost and viability through a pilot before dedicating full resources can further enhance the success of a procurement. Also, in certain cases, a problem-based approach to procurement whereby the procurement

describes a problem, as opposed to stating requirements, and seeks solutions from bidders may be useful for spurring innovation and highlighting the ultimate goals of the procurement. A stage 1 government may also be strategic about creating value from procurements more generally and may be seeking to incorporate procurement best practices, including:

- boosting competition and purchasing power;
- building internal management capacity;
- increasing accountability to constituents; and
- removing regulatory barriers and streamlining procurement processes.

At **stage 2**, a government will have **set up systems to measure outcomes, impacts, and/or cost-effectiveness** of procurements using analytical methods and administrative data. The government may also establish a baseline based on current performance to help measure the results that it aims to achieve. Where multiple contractors are working toward similar goals, the government can develop an evaluation system that facilitates comparison of outcomes across contractors to determine which contractors are most effective.

To provide a meaningful comparison of the performance of social service providers, it is important to use a strategy that accounts for differences in the populations served by different providers and which adjusts for other factors besides contractor performance that can influence the observed outcomes.

A **stage 3** government **uses data to actively manage contracts**. The government contract officer and program officer responsible for the contract regularly review key data, including outcome data from administrative files and implementation data from the contractor and convene with the contractor to monitor progress, discuss opportunities to improve systems, detect performance issues in real time based on data, and swiftly troubleshoot and implement course corrections, as needed.

A government at **stage 4 designs and incorporates incentives for better, more cost-effective performance** into its key procurements. A basic way of managing incentives is through the choice of the contract type. For example, cost-type contracts, time-and-materials contracts, and labor-hour contracts pose a significant risk that government will overspend since there is no incentive to control costs. Unless there is a compelling reason for using such contract types, these contracts should be transitioned to fixed-cost or hybrid contracts. When appropriate, incentive

contracts can be used in which a portion of payment to the contractor is conditioned on outcomes. In developing incentive contracts, the government has to optimize the balance between performance payments and fixed payments—to sufficiently introduce incentives while avoiding high stake financial and reputational risks for the contractor.

Using contractor performance records to inform future procurement decisions across departments, including contract renewals, can provide an additional performance incentive for contractors. Moreover, connecting past performance to future contracting decisions helps the government establish a mechanism for allocating limited resources to the most effective contractors over time. Similarly, governments can consider rewarding successful contractors with multiyear contracts or with funds for capacity building to enable them to scale as they continue to improve their performance.

At **stage 5**, a government is **managing its procurements in a strategic manner**, particularly those that are related to the Mayor or Governor's priority goals or constitute significant spending. For instance, a government might constantly track the next 20 to 30 key contracts that are at least nine months from expiring and seek to improve them prior to the next contract renewal. The government will actively work on reforming high risk contracts, including those that are awarded non-competitively, receive only one bid, or are structured as cost-type. The government applies results-driven contracting strategies and best practices widely and continually searches for ways to innovate and improve its procurement process to drive better performance.

III. Advancing Procurement Best Practices

In addition to helping the government progress along the results-driven contracting continuum, the GPL supports governments in implementing the following best practices for procurement:

Leveraging competition and volume to improve cost-effectiveness. Procurements should seek to improve the number and diversity of qualified bidders. By expanding outreach and engagement efforts, the government can make sure that qualified entities are informed about a procurement, briefed on its goals, and encouraged to submit a bid. To reduce barriers to entry, procurement documents should be concise, use simple language, and avoid imposing unnecessary regulations on respondents. Allotting sufficient time for bidders to develop responses is critical. Governments should also employ strategic sourcing

to negotiate lower prices through volume discounts. This may include consolidating needs that are expected to reoccur in the future or pooling needs across agencies or even across governments into one procurement.

Staffing procurement offices to allow for effective management of ongoing contracts.

In many governments the position of a contract officer is seen as an administrative role. This must change if governments want to take advantage of the opportunity presented by key procurements to advance their policy agenda. Contract officers should be empowered to judiciously manage the procurement process and the ultimate contract to achieve goals. Specifically, contract officers should collaborate closely with program officers to ensure that they understand the goals of the procurement and can structure it to meet the program's objectives. Post-award, governance structures that include the contract officer, program officer, and the contractor can enable better management of ongoing contracts and support performance incentives for the contractor. This new focus on strategic activities represents a significant shift from contract officers' current role, which focuses on regulatory and contractual compliance as well as on managing invoicing for providers. This shift may require recruiting qualified staff, training existing staff, and splitting off administrative functions from more strategic activities to make the positions more appealing.

Accountability to residents will strengthen the connection between key procurements and strategic goals of the government.

Improving transparency about the goals and ultimate results of a procurement can create a useful feedback loop that fosters support for results-driven contracting in the community and reinforces trust in the government's capacity to govern effectively. This could be accomplished by publishing useful data on contracts, such as number of bidders for the procurement, the awardee, a description of the goods or services being provided, the contract value, any contract amendments, the contract term, and information on the performance of the vendor with regard to key metrics at the end of the contract. Educating constituents about the connection between a procurement and service delivery and raising their expectations of what well-executed contracting can accomplish is critical for the sustainability and broader application of results-driven contracting strategies in the long run.

Removing regulatory barriers and streamlining the procurement process so as to improve competition. Excessive regulation and unwieldy procurement systems can generate

high transaction costs for participants and deter small businesses and less established organizations from bidding. This in turn reduces competition and results in inferior pricing and outcomes for the government. Moreover, excessive emphasis on compliance signals to contract officers and contractors that their focus should be on process rather than results. Governments should determine what regulations are in fact necessary, and ensure that contract officers understand what flexibility they have in structuring procurements. Governments should also adopt processes like e-procurement systems that reduce paperwork for bidders.

IV. Implementing Results-Driven Contracting

As part of What Works Cities, we are helping cities across the country improve the results of their contracts in areas such as homeless services, workforce development services and street construction. We will ultimately help 20 selected cities move to higher stages of the results-driven contracting continuum. Our technical support will also help build the government's capacity for sustaining these improved practices and expanding them to other procurement areas. We will disseminate widely the learning that occurs throughout this process so that many more governments can benefit from adopting the most promising of these strategies.

The Government Performance Lab at the Harvard Kennedy School conducts research on how governments can improve the results they achieve for their citizens. An important part of this research model involves providing pro bono technical assistance to state and local governments. Through this hands-on involvement, the Government Performance Lab gains insights into the barriers that governments face and the solutions that can overcome these barriers. For more information about the Government Performance Lab, please visit our website: www.govlab.hks.harvard.edu.

The Government Performance Lab is grateful for support from Bloomberg Philanthropies, the Dunham Fund, the Laura and John Arnold Foundation, the Pritzker Children's Initiative, the Rockefeller Foundation, and the Social Innovation Fund.

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A Research Design to Identify and Assess Racial Disparity

Research should play a critical role in determining the degree to which racial disparity exists in a particular jurisdiction. The evidence may point to a relatively low degree of disparity in some jurisdictions, while in other jurisdictions the need for studied approaches to reduce disparity may be readily apparent. Additionally, the evidence may point to differing rates of disparities at different stages of the criminal justice system. The following framework outlines a means by which local jurisdictions can begin a five-step process to address this issue. These five steps are:

- (1) Determine whether the rate of minorities involved at any stage of the criminal justice system is disproportionate;
- (2) Assess the decision points where racial and ethnic disparities occur;
- (3) Identify plausible reasons for any disparity identified and the extent to which it is related to legitimate public safety objectives;
- (4) Design and implement strategies to reduce disparities; and
- (5) Monitor the effectiveness of strategies to reduce disparities.

1. Identify Stages in the Criminal Justice System with a Disproportionate Representation of Minorities

In this section, we offer a method for tracking racial disparities through a hypothetical jurisdiction's criminal justice system, acknowledging that difficulties with data collection and acquisition can impede one's ability to complete each step thoroughly. Ideally one would be able to track individual cases through the system, but many criminal justice data

systems are not constructed to allow for this. At a minimum, every attempt should be made to produce an annual statistical report for each stage of the system. The matrix provided in Figure 1 serves as a basic guide to determine the extent of the problem at each stage of the system.

The preliminary step toward completing a matrix like the one below is to produce a count of the number of people at each stage of the system and to disaggregate the totals by race. Then one can compare this to jurisdiction-level data from the general population and to the preceding stage of the justice system to determine what differences emerge, if any.

Consider a hypothetical jurisdiction in which 15% of the population is African American. In this case we only examine disparity rates for African Americans, but generally all races and ethnicities should be counted. Column A in Figure 1 lists each decision point in the system. For simplicity, we provide six possible decision points, though in reality there are more points at which individuals are released or proceed further into the system. Column B provides the percentage of individuals at each of these six stages who are African American. Column C provides the percentage of individuals in the immediately preceding stage who are African American. In Column D, the number from Column B is divided by the number in Column C (B/C) to produce the disparity ratio. This final column is the most accurate method for determining racial disparities because it takes into account the rate of disparity in the previous stage.

In Column D, a disparity ratio *greater* than 1 means that African Americans are disproportionately represented at this stage in comparison to their proportion at the previous stage. A ratio of less than one means that African Americans are underrepresented at this stage compared to the previous stage.

As one proceeds through the system in this example, it is clear that disparities are most severe at the point of arrest (where African Americans are arrested at a rate twice their share of the general population) and the point of incarceration (where African Americans are 11% more likely to be incarcerated). Conversely, African Americans are *underrepresented* at the stage of probation (0.84), which is not surprising since probation sentences reflect those persons not sentenced to incarceration. This display of rates disaggregated by race, while fictional in this case, is typical of many criminal justice systems around the country.

In constructing this type of matrix to observe racial differences at different stages of the criminal justice system, the base population one uses could be different from the general population figures used in the present example. For example, if one wished to focus on youth in the juvenile justice system, it would be more appropriate to use as a base the population of juveniles under 18 years old.

2. Assess Key Decision Points

Assess the decision points where discretion, policy choices, or resource allocation may contribute to

overrepresentation. This can be accomplished by unpacking the decision point into the prior decisions that produce it, and assessing the extent to which each of those earlier decisions may have a negative impact on minorities. For example, analysis of court data at this stage might reveal a pattern whereby low income individuals are frequently unable to afford set bail amounts or are not released on their own recognizance. Investigators can hone in on this decision point and carry their investigation to the next stage to identify possible causes of this.

3. Identify the Cause(s) of Disparity

After identifying the decision points at which disparity exists and estimating the extent of that disparity, the next step is to identify possible reasons for it. These might include changes in administrative or legislative policies that disproportionately affect minorities, lack of community resources for crime prevention and early intervention, increased surveillance in minority neighborhoods, area crime rates, and socioeconomic factors, among others.

To the extent that these data are available, multivariate regression techniques can be used to control for outside influences such as the crime rate. If disparity persists even after these factors are considered, its roots should be examined for other explanations.

Continuing with our example from the previous stage, if low-income individuals are frequently not represented by a competent, publicly-supported at-

Figure 1. Racial Disparity Matrix

Column A	Column B	Column C	Column D
Decision Point	Percentage who are African American	Percentage at preceding decision point who are African American	Disparity ratio
Total Population	15	N/A	N/A
Arrest	30	15	2.00
Detention	35	30	1.17
Prosecution	37	35	1.06
Conviction	45	37	1.22
a. Probation	38	45	0.84
b. Incarceration	50	45	1.11

torney at the court appearance during which bail is determined, fewer of them might be released on their own recognizance, or the bail amount that is set may be higher than they can afford. Thus, low-income people, who are disproportionately minorities, will be more likely to be detained for failure to post bail. At this stage, a possible cause for this disparity has been identified.

Exploring the effects of policies and practices may be accomplished by a variety of techniques, such as observing practitioners at work, interviewing them, reviewing risk assessments or other documents that might be biased against minorities, or bringing practitioners together in focus groups to discuss the decisions they make and how they make them. When this effort reveals the influence of a factor which impacts disproportionately on minority defendants, the group of practitioners can then reconsider whether that factor is crucial to the decision, or whether its negative influence can be countered by some alternate form of community supervision.

It is likely that there are *many* reasons—some far beyond one's control—for which disparity exists. Identifying all of them is probably unrealistic in many cases. However, this should not dissuade practitioners from attempting to remedy causes of disparity that are identified. Inability to fully identify each cause should not block work to reduce disparity.

4. Design and Implement Strategies

Design and implement strategies to reduce overrepresentation by focusing on the decision points where disparity exists. Selected strategies should be theoretically related to the decision points at which disparity is observed. That is, if racial disparities are observed only at the point of arrest, it is unreasonable to expect a greater diversity among prison staff to have an impact on disparity at the arrest stage (although greater diversity among prison staff is a positive move regardless). Rather, focused work on eliminating racial profiling is more likely to reduce minority overrepresentation at arrest.

The previous section of this manual (*Section II*) looked at the potentially disparate impact of actions and policy at these decision points. The following

section (*Section IV*) will discuss the design and implementation of strategies to reduce disparities.

5. Monitor Effectiveness

Monitor the interventions on a regular basis to determine what is and is not working to reduce disparity. Moreover, regular monitoring of data, policies, and personnel is likely to identify influences and potential responses to them that were not recognized initially. In this way, progress can be made incrementally and system improvements can take hold over time.

In seeking to identify and correct the sources of racial disparity, it is useful to remember that substantial, lasting changes can only be effective if they are implemented throughout the system. Since there will be turnover within agencies, it is important that attention is paid to issues of disparity at all levels of an agency, department, or organization. While deep-seated beliefs are difficult to change, professional behavior *can* be changed. Overt bias is less likely to manifest itself as long as lines of communication remain open. Personal relationships can break down stereotypes within agencies and between agencies and communities. A diverse leadership can also aid in challenging attitudes and stereotypes. This will often result in a gradual but significant positive impact on institutionalized attitudes.

Racial Disparity Matrix, 2019 data

A disparity ratio > 1 indicates that the pop'n of interest is over-represented at the decision point; where a disparity ratio < 1 indicates under-representation

Decision Points	% AA	% at preceding decision pt who are AA	<u>AA</u> disparity ratio	% Latinx	% at preceding decision pt who are Latinx	<u>Latinx</u> disparity ratio	% White	% at preceding decision pt who are White	<u>White</u> disparity ratio	Notes on Data: 2019
General										
Popn	9.5	N/A		26.0	N/A		65.1	N/A		from the US Census (estimates from July 1, 2019)
Arrests										From Cal DOJ--2019
(overall)	18.57	9.5	1.95	26.2	26	1.01	34.97	65.10	0.54	Arrests data
Felonies	38.39	9.5	4.04	25.1	26	0.97	29.26	65.10	0.45	
Misdemean	6.70	9.5	0.71	26.8	26	1.03	38.40	65.10	0.59	
Complaints										This would be data based on DA decision; data from Cal DOJ
Sought	32.00	18.57	1.72	25.8	26.2	0.98	34.78	34.97	0.99	
Felonies	38.74	38.39	1.01	24.7	25.1	0.98	29.08	29.26	0.99	
Misdemean	27.79	6.7	4.15	26.5	26.8	0.99	38.32	38.40	1.00	
Released										This would be data based on DA decision
(overall)	21.55	18.57	1.16	30.2	26.2	1.15	40.62	34.97	1.16	
Felonies	33.95	38.39	0.88	26.5	25.1	1.06	33.02	29.26	1.13	
Misdemean	18.43	6.7	2.75	31.1	26.8	1.16	42.53	38.40	1.11	

Detention

Prosecution
Conviction
Probation
Incarceration

[illegible]

use a sticky note to
add your response
then move it around

